

REMARKS

Claims 1-15 are presently pending in this application. By this amendment new independent claim 15 has been added. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §102

Claims 1-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Miyashita et al. (US 5,959,747). Reconsideration is respectfully requested for the following reasons.

In response to applicants' previous amendment, the Examiner noted that the claims did not contain any limitation that specifies that the data that was previously recorded (or the data being recorded over the old data) is user data as opposed to test data. (See Office Action Page 3, paragraph 5).

Accordingly, the claims have now been amended to replace the claim language "old data" with "old user data". It is submitted that this now distinguishes applicants invention from Miyashita, which examines test data to determine power for erasing but does not examine old user data as applicants' invention does. It is respectfully submitted that this revision of the claim language now distinguishes applicants' invention from Miyashita.

In addition, new claim 15 has been added, which also recites the applicants' use of old user data and additionally recites that the old user data is assessed by detecting crosstalk amount.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a

full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 2552-000063/US from which the undersigned is authorized to draw.

Dated: December 18, 2007

Respectfully submitted,

By 
Gregory A. Stobbs
Registration No.: 28,764
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1214
Attorney for Applicant